

RESOLUTION NO. 26-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY FOR RECEIVING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF \$266,901; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET AND APPROPRIATE FUND BALANCE IN THE PAVING AND DRAINAGE CONSTRUCTION FUND IN THE AMOUNT OF \$640,000; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 16, 2009, the City Council approved the submittal of an application to Palm Beach County for receiving funds under the Community Development Block Grant program; and

WHEREAS, County staff has recommended to the County Commission approval of the application in the amount of \$266,901; and

WHEREAS, The City and Palm Beach County desire to enter into an agreement to implement the Northwest Neighborhood Strategy Area, reconstruction of West 35th Street from Avenue R to Avenue O.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The agreement between the City of Riviera Beach and Palm Beach County for receiving Community Development Block Grant Funds is hereby approved.

SECTION 2. The Mayor and City Clerk are authorized to execute the agreement.

SECTION 3. The Finance Director is authorized to appropriate fund balance from account 301-00-399999 to set up a budget in the Paving and Drainage Construction Fund in the amount of \$373,099 and set up a budget in the CDBG fund in the amount of \$266,901 for West 35th Street Improvement as follows:

RESOLUTION NO. 27-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, EXPRESSING SUPPORT TO MAINTAIN EXISTING LANGUAGE FOUND IN PALM BEACH COUNTY'S COMPREHENSIVE PLAN WHICH PROHIBITS RESTAURANT USES ON PEANUT ISLAND; AND ACKNOWLEDGING PALM BEACH COUNTY'S AND THE CITY OF RIVIERA BEACH'S COMMITMENT TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE PUBLIC AND THE ENVIRONMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Peanut Island is located within the Intracoastal Waterway, north of the Port of Palm Beach, south of the Blue Heron Bridge, east of the City's Bicentennial Park, west of the Lake Worth Inlet, (frequently known as the Palm Beach Inlet); and

WHEREAS, Peanut Island is legally within the jurisdiction of Unincorporated Palm Beach County; and

WHEREAS, Peanut Island is recognized as a regional attraction and destination point for tourists and residents of greater Palm Beach County, including residents of the City of Riviera Beach, due to its unique location and atmosphere; and

WHEREAS, impacts stemming from the use of Peanut Island, both positive and negative, have a regional effect on neighboring municipalities, especially the City of Riviera Beach; and

WHEREAS, Palm Beach County has continuously improved Peanut Island by upgrading existing facilities and providing new amenities while promoting a safe environment for the general public, including the implementation of long term development guidelines for Peanut Island within their Comprehensive Plan; and

WHEREAS, Palm Beach County's Comprehensive Plan currently prohibits any restaurant uses on Peanut Island; and

WHEREAS, previous discussions with Palm Beach County's Staff have alluded to the possibility of an application to amend Palm Beach County's Comprehensive Plan to permit restaurant uses on Peanut Island; and

WHEREAS, regional concerns related to public safety on Peanut Island, on the waterways adjacent to Peanut Island, and on the mainland nearby to Peanut Island, especially the City's Marina, currently exist due to the popularity of this destination point

RESOLUTION NO. 27-11
PAGE 2

and the substantial number of visitors that utilize this area; and

WHEREAS, amending Palm Beach County's Comprehensive Plan in a manner that could potentially create an influx of visitors on Peanut Island on a daily and annual basis, would likely have negative implications for public safety, including additional strain on the City's law enforcement officers and first responders; and

WHEREAS, Peanut Island receives its water and sewer services from the City of Riviera Beach Utility District; and

WHEREAS, existing water and sewer lines are currently operating close to their maximum capacity; and

WHEREAS, a restaurant on peanut island would create a negative impact on the City's existing water and sewer lines connected to Peanut Island; and

WHEREAS, The City of Riviera Beach recognizes that both the Town of Palm Beach Shores and the Town of Palm Beach have formally opposed any Palm Beach County Comprehensive Plan Amendment that would allow restaurant uses on Peanut Island.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The City of Riviera Beach wishes to continue to be an active participant in discussions related to potential land use changes on Peanut Island.

SECTION 2. The City of Riviera Beach desires to support the preservation of existing Palm Beach County Comprehensive Plan Language that restricts restaurant uses on Peanut Island.

SECTION 3. Establishing a restaurant use on Peanut Island would create negative impacts on the City's existing water and sewer services.

SECTION 4. The City of Riviera Beach opposes any Palm Beach County Comprehensive Plan Amendment that would allow restaurant uses on Peanut Island due to the potential for negative impacts to the City's visitors, residents and services.

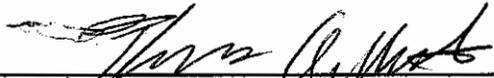
SECTION 5. The Clerk of City of Riviera Beach is hereby authorized to forward a copy of this resolution to all appropriate public agencies, including but not limited to, Palm Beach County, the Board of County Commissioners, the Town of Palm Beach and the Town of Palm Beach Shores.

PASSED and APPROVED this 16 day of March, 2011.

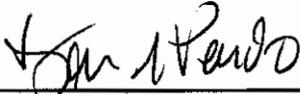
RESOLUTION NO. 27-11

PAGE 3

APPROVED:



THOMAS A. MASTERS
MAYOR



DAWN S. PARDO
CHAIRPERSON

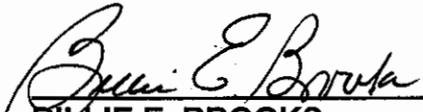
ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

ABSENT

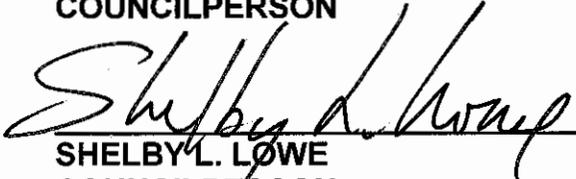
JUDY L. DAVIS
CHAIR PRO TEM



BILLIE E. BROOKS
COUNCILPERSON



CEDRICK A. THOMAS
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: B. BROOKS

SECONDED BY: C. THOMAS

D. PARDO AYE

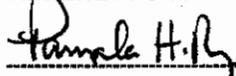
J. DAVIS ABSENT

B. BROOKS AYE

C. THOMAS AYE

S. LOWE AYE

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 3/9/11

RESOLUTION NO. 28-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A TRI PARTY AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH, E. PLEASANT PLAZA, INC. AND EARL AND MARGARET PLEASANT (OWNER DEVELOPERS) FOR THE EXPENDITURE OF \$297,000 IN EDI GRANT FUNDS AWARDED TO THE CITY OF RIVIERA BEACH IN 2006 BY THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE DEVELOPMENT AND CONSTRUCTION OF A NEIGHBORHOOD COMMERCIAL RETAIL FACILITY TO BE LOCATED AT 2701 OLD DIXIE HIGHWAY; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE TRI PARTY AGREEMENT AUTHORIZING THE INTERIM FINANCE DIRECTOR TO SET UP A BUDGET AND DRAW DOWN THE FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, The City of Riviera Beach entered into a grant agreement with the Department of Housing and Urban Development in 2006 for the receipt of funds in the amount of \$297,000 from the Department of Housing and Urban Development's Economic Development Initiative Special Projects Program referred to as (EDI); and

WHEREAS, The grant award has been allocated and designated for the development and construction of eligible commercial projects within the City in keeping with the purpose and intent of the Economic Development Initiative Special Projects requirements and specified in the city's application; and

WHEREAS, The City has indentified a project which consists of a neighborhood commercial retail facility which contains a 3,938 square foot building to be located at 2701 Old Dixie Highway being proposed by E. Pleasant Plaza, Inc herein referred to as the "Company" with owners Earl and Margaret Pleasant; and

WHEREAS, The total cost to construct this facility, including predevelopment expenses, professional services and hard costs is \$527,000, and the "Company" has secured a loan in the amount of \$230,000 from Northern Trust Bank to cover a portion of the construction cost which is insufficient to complete the improvements for the project and the "Company" has requested the City provide grant funds for hard costs related to the construction of the project in the amount of \$297,000; and

WHEREAS, in order for the City to expend its EDI funds it must enter into a Tri Party Agreement with the Company, E. Pleasant Plaza Inc, and the owners Earl and

RESOLUTION NO. 28-11
PAGE 2

Margaret Pleasant for the expenditure of \$297,000 toward the development and construction of Pleasant Plaza and in exchange, the Company and the Pleasants agree to execute a Declaration of Covenants and Restrictions, Note and Second Mortgage in favor of the City,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. That the City Council approve a Tri Party Agreement between the City, E Pleasant Plaza Inc and Earl and Margaret Pleasant for the expenditure of \$297,000 of EDI funds for the development and Construction of Pleasant Plaza.

SECTION 2. That the City Council authorize the Mayor and the City Clerk to execute the tri party agreement.

SECTION 3. The City Council authorize the Interim Finance Director to set up a budget and draw down the funds.

SECTION 4. This Resolution shall take effect immediately upon its passage and approval by the City Council.

PASSED and APPROVED this 16 day of March, 2011.
APPROVED:

RESOLUTION NO. 28-11
PAGE 3



THOMAS A. MASTERS, MAYOR
MAYOR



DAWN S. PARDO
COUNCILPERSON

ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



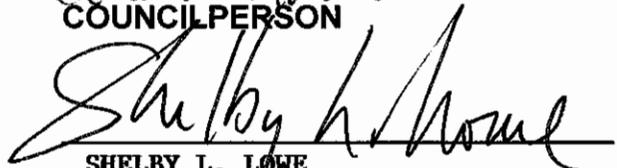
BILLIE E. BROOKS
COUNCILPERSON

ABSENT

JUDY L. DAVIS
COUNCILPERSON



CEDRICK A. THOMAS
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: B. BROOKS

SECONDED BY: C. THOMAS

D. PARDO AYE

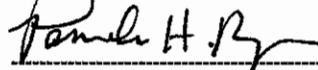
B. BROOKS AYE

J. DAVIS ABSENT

C. THOMAS AYE

S. LOWE AYE

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 3/9/11

RESOLUTION NO. 29-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF PALM BEACH COUNTY FOR THE MUTUAL USE OF RECREATIONAL FACILITIES; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AND PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969" authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, Part 1 of Chapter 163, Florida Statutes, permits public agencies, as defined therein, to enter into interlocal agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, the City of Riviera Beach and the School Board of Palm Beach County entered into a Interlocal Agreement of Mutual Use of Recreational Facilities July 7, 2010 and pursuant to paragraph 22 of the Agreement, the parties desire to amend the Agreement; and

WHEREAS, the amendment is to enable the Board to utilize the parking lot at the City owned Barracuda Bay Swimming Facility for overflow vehicular parking for special events and activities at the Board's schools located with the City when the parking lot is otherwise not in use; and

WHEREAS, the Agreement will be amended to state that "City Facilities" and "City Facility" meaning facilities owned or operated by the City that are made available for public use by the City and are used primarily for recreational activities, excluding facilities that are leased, licensed or under the contractual control of others; this shall include parks, wrestling rooms, gymnasiums, pavilions, community center, playgrounds, tennis, racquetball and basketball courts and athletic fields together with the parking lot at the City owned Barracuda Bay Aquatic Complex.

RESOLUTION NO. 29-11
PAGE -2-

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. That the Amendment to the Interlocal Agreement with the School Board of Palm Beach County for Mutual Use of Recreational Facilities is hereby approved.

SECTION 2. That the Mayor and City Clerk are authorized to execute the Amendment on behalf of the City of Riviera Beach.

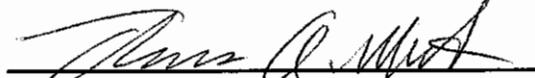
SECTION 3. That this Resolution shall become effective upon its passage and approval by City Council.

PASSED and APPROVED this 16 day of March, 2011.

{THE REMAINDER OF THIS PAGE IS LEFT BLANK INTENTIONALLY}

RESOLUTION NO. 29-11
PAGE -3-

APPROVED:


THOMAS A. MASTERS
MAYOR

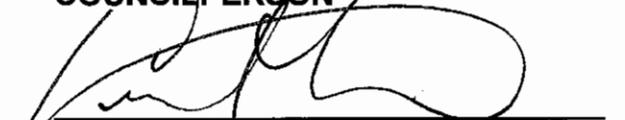

DAWN S. PARDO
CHAIRPERSON

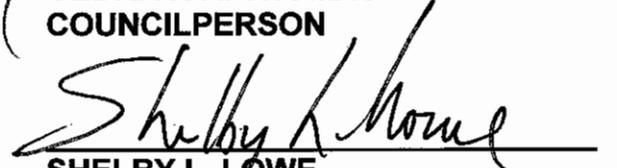
ATTEST:


CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

ABSENT
JUDY L. DAVIS
CHAIR PRO-TEM


BILLIE E. BROOKS
COUNCILPERSON


CEDRICK A. THOMAS
COUNCILPERSON


SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: B. BROOKS

SECONDED BY: C. THOMAS

D. PARDO AYE

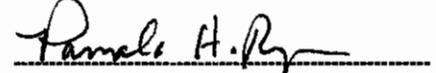
J. DAVIS ABSENT

B. BROOKS AYE

C. THOMAS AYE

S. LOWE AYE

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 3/8/11

RESOLUTION NO. 30-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND THE BOARD OF COUNTY COMMISSIONERS, OF PALM BEACH COUNTY FOR THE CONTINUED IMPLEMENTATION OF YOUTH EMPOWERMENT PREVENTION INTERVENTION PROGRAMS IN THE CITY OF RIVIERA BEACH IN THE AMOUNT OF \$34,590; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET FOR THE SAME AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Criminal Justice Commission (CJC) of Palm Beach County continues the development of a Youth Violence Prevention Project which addresses the increase in violent firearms crimes; and

WHEREAS, the Youth Empowerment Program (YEP) meets the requirements for administering youth prevention/intervention services; and

WHEREAS, on December 5th, 2006 the Board of County Commissioners (BCC) approved funding to initiate partnerships with Riviera Beach, West Palm Beach and Lake Worth to implement the Youth Violence Prevention Project; and

WHEREAS, CJC received a grant award of \$324,901 from the Department of Justice for an eighteen month period to enhance the county's existing community-based, comprehensive anti-gang strategy. The prevention and intervention component, Youth Empowerment Centers will be enhanced with targeted outreach and case management; and

WHEREAS, the County will reimburse the CITY for the expenses incurred in the implementation of the prevention intervention program the amount of \$34,590 from October 1st, 2010 through March 31, 2012 for the Youth Violence Prevention Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

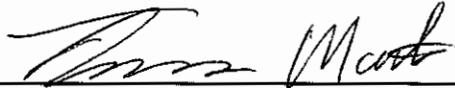
SECTION 1. That the Mayor and City Clerk are authorized to execute the Interlocal Agreement between the City of Riviera Beach and the Board of County Commissioners (BCC), Palm Beach County for the Youth Empowerment Program (YEP).

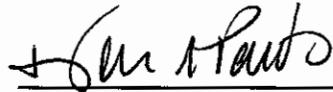
SECTION 2. The Finance Director is authorized to set up a budget for the same.

SECTION 3. This resolution should take affect immediately upon its passage and approval by the City Council.

{The remainder of this page intentionally left blank}

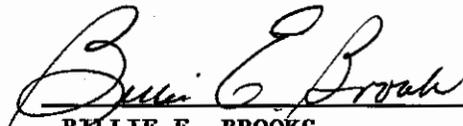
RESOLUTION NO. 30-11
PAGE 3


THOMAS A. MASTERS, MAYOR
MAYOR


DAWN S. PARDO
COUNCILPERSON

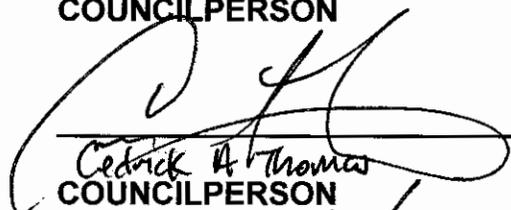
ATTEST:

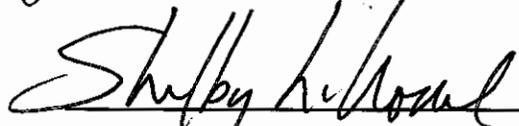

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK


BILLIE E. BROOKS
COUNCILPERSON

ABSENT

JUDY L. DAVIS
COUNCILPERSON


CEDRICK A. THOMAS
COUNCILPERSON


SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: B. BROOKS

SECONDED BY: C. THOMAS

D. PARDO AYE

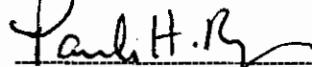
B. BROOKS AYE

J. DAVIS ABSENT

C. THOMAS AYE

S. LOWE AYE

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 3/9/11

RESOLUTION NO. 31-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION FOR \$1 MILLION DOLLARS FOR MUNICIPAL MARINA REMEDIATION FOR CONSTRUCTION PHASE TWO, UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM; AND UPON NOTIFICATION OF AWARD, ACCEPT THE GRANT AND AUTHORIZE THE INTERIM FINANCE DIRECTOR TO ESTABLISH THE BUDGET; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Riviera Beach ("City") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City is interested in carrying out the following described project for the enjoyment of the citizens of Riviera Beach and the State of Florida:

Project Title: Municipal Marina Remediation Construction Phase 2

Total Estimated Cost: \$2,000,000

Brief Description of Project: The project includes construction of new floating docks and utilities, fuel lines and facilities, inclusive of the improvements will be construction of the sea wall and storm water management facilities at the southern end of the marina. A substantial number of the wet slips will be available for transient use.

WHEREAS, Florida Inland Navigation District financial assistance is required for the program described above.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The City Council authorizes the submittal of a grant application to the Florida Inland Navigation District in the amount of 50% of the actual cost of the project.

SECTION 2. The City of Riviera Beach certifies to the following:

1. That it will accept the terms and conditions set forth in FIND rule 66B-2 F.A.C.

and which will be a part of the Project Agreement for any assistance awarded under the proposal.

2. That it is in complete accord with the proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications thereto unless prior approval for any change has been received from FIND.
3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of the said City of Riviera Beach for public use.
4. That it will not discriminate against any person based on race, color or national origin in the use of said property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, BI 88.352 (1964) and design and construct the facilities to comply with statutes relating to accessibility by handicapped persons as well as other federal, state and local laws, rules and requirements.
5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.
6. That it will make available to FIND if requested, a post audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

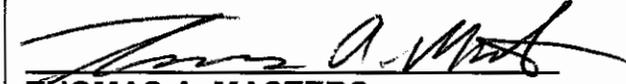
SECTION 3. That City Council approves JH Sprague Consulting, LLC, to prepare the FIND grant application and represent the City of Riviera Beach at required meetings under the existing contract at no additional cost to the city.

SECTION 4. This resolution shall take effect immediately upon its approval.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

PASSED and APPROVED this 16th day of March, 2011.

APPROVED:


THOMAS A. MASTERS
MAYOR


DAWN S. PARDO
CHAIRPERSON

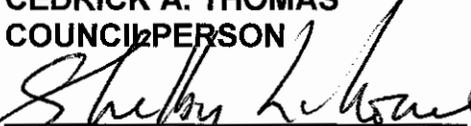
ATTEST:


CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

ABSENT
JUDY L. DAVIS
CHAIR PRO TEM


BILLIE E. BROOKS
COUNCILPERSON


CEDRICK A. THOMAS
COUNCILPERSON


SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: B. Brooks

SECONDED BY: C. Thomas

B. BROOKS aye

J. DAVIS absent

C. THOMAS aye

D. PARDO aye

S. LOWE aye

REVIEWED AS TO LEGAL
SUFFICIENCY

PAMALA HANNA RYAN, CITY ATTORNEY
DATE: _____